

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Court
Southern District of Texas
FILED

MAY 17 2016

David J. Bradley, Clerk of Court

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

United States Mail Parcels listed on Attachment A.

Case No.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

United States Mail Parcels listed on Attachment A, located at the US Postal Inspection Service Office, Houston, TX.

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

namely the entire contents of the United States Mail Parcels listed on Attachment A.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 USC, Sections 545	Smuggling Goods into The United States
Title 21 USC 545	Misbranded Drugs (Drugs Containing false or misleading labeling)

The application is based on these facts:
See attachment - Affidavit of Probable Cause

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

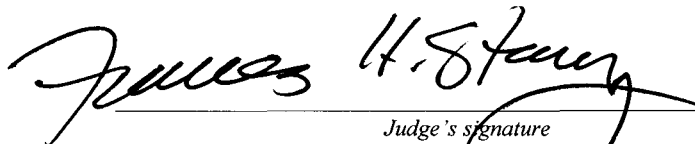
Ronald Corley, United States Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

May 17, 2016



Judge's signature

City and state: Houston, Texas

Frances Stacy, United States Magistrate Judge

Printed name and title

Attachment A

Mail parcel numbered:

1. 9405511899563131556262	H 16-705M
2. 9405511899563725765872	H 16-706M
3. 9405511899563131553865	H 16-707M
4. 9405511899563131559560	H 16-708M
5. 9405511899563131553858	H 16-709M
6. 9405511899563131553216	H 16-710M
7. 9405511899563131557535	H 16-711M
8. 9405511899563131559591	H 16-712M
9. 9405511899563131557597	H 16-713M
10. 9405511899563131553827	H 16-714M
11. 9405511899563131553261	H 16-715M
12. 9405511899563725765827	H 16-716M
13. 9405511899563131553230	H 16-717M
14. 9405511899563131557580	H 16-718M
15. 9405511899563725765896	H 16-719M
16. 9405511899563131553254	H 16-720M
17. 9405511899563131556217	H 16-721M
18. 9405511899563725764547	H 16-722M
19. 9405511899563725765278	H 16-723M
20. 9405511899563725765889	H 16-724M
21. 9405511899563131553209	H 16-725M
22. 9405511899563131553292	H 16-726M
23. 9405511899563131557474	H 16-727M
24. 9405511899563131557504	H 16-728M
25. 9405511899563131559584	H 16-729M
26. 9405511899563131559553	H 16-730M
27. 9405511899563131559577	H 16-731M
28. EU219251417IN	H 16-732M
29. EU219250796IN	H 16-733M
30. EU219251301IN	H 16-734M
31. EU219250782IN	H 16-735M
32. EU219252545IN	H 16-736M
33. EM911642155IN	H 16-737M
34. EM911631965IN	H 16-738M
35. EM911642138IN	H 16-739M
36. 9405511899563725400568	H 16-740M
37. 9405511899563725400483	H 16-741M
38. EM911631988IN	H 16-742M

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In the Matter of the Search of:

**United States Mail Parcels listed on
Attachment A (see Attachment A).**

§
§
§
§
§

NO. _____

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Ronald Corley, being duly sworn, state the following:

01. I have been employed by the United States Postal Inspection Service for the past twelve (12) years. I have been assigned to narcotics investigations for the past six (6) years and participated in hundreds of controlled substance investigations involving the transportation of controlled substances or proceeds/payments through parcel delivery services, to include the United States Mails, as well as private delivery couriers such as United Parcel Service (UPS) and Federal Express (FedEx). During this time I have intercepted or helped in intercepting in excess of two thousand (2000) parcels which were found to have contained controlled substances or the proceeds of controlled substance sales. I have received training by the United States Border Patrol in the investigation of organizations trafficking and distributing controlled substances. I have received training by the U.S. Postal Inspection Service (USPIS) in the investigation of controlled substances or the proceeds of narcotics sales being transported through parcel delivery services.

02. Your affiant has discussed the trafficking of illicit pharmaceuticals ("unapproved drugs") with Steven Lamp, a Special Agent with the U.S. Food & Drug Administration ("FDA") Office of Criminal Investigations ("OCI"). OCI is the federal law enforcement arm of the FDA. One of the primary duties of an FDA-OCI Special Agent, is to investigate suspected violations of the Federal Food, Drug & Cosmetic Act (hereafter "FDCA"), 21 U.S.C. § 301. The FDA has primary responsibility for enforcing the FDCA to ensure the health and safety of the American public.

Simply put, unapproved drugs are those drugs which have not been approved by the FDA for distribution or use in the United States. These unapproved drugs are outside the scope of the legitimate supply chain and therefore pose dangers to persons receiving these drugs. Oftentimes, these unapproved drugs lack quality control and can be either "super-potent" or "sub-potent".

03. Your affiant is aware that FDA-OCI agents routinely conduct investigations regarding the unlawful introduction into interstate commerce of foreign-sourced, non-FDA approved drugs. Your affiant is aware that Special Agent Lamp has investigated drug trafficking crimes via the U.S. Mails involving both domestic and international parcels found to contain foreign-sourced, non-FDA approved drugs. Your affiant is aware that Special Agent Lamp has conducted numerous undercover purchases of unapproved drugs. Once an order of drugs is made, usually via a website or email transaction, that order information is transferred to the source of supply of the unapproved drugs. The source of supply then transmits that order information to other co-conspirators known as "re-shippers" who are based in the United States to fulfill the drug orders being placed. Persons trafficking in illicit pharmaceuticals online or via email transactions will advertise "US to US" shipping to make their drugs attractive to customers in the United States.

04. These "re-shippers" receive bulk shipments of foreign-source, non-FDA approved drugs via the mail from the persons who control the websites, call centers, or email addresses used in furtherance of the scheme to distribute the illicit pharmaceuticals. These bulk shipments usually contain between 1,000 and 2,000 dosage units (tablets) per package and these unapproved drugs are shipped in blister packets containing 10 tablets each with no directions for use. These bulk shipments of illicit, unapproved, prescription-only restricted pharmaceuticals generally consist of popular drugs of "abuse" such as tramadol, clonazepam, valium, and carisoprodol ("Soma"), all of which are federally controlled, prescription-only restricted Schedule IV substances. The blister packets are generally wrapped in rubber bands to minimize the noise associated with foil-based blister packets rubbing against each other while in transit. Once a "re-shipper" receives the bulk shipments of unapproved drugs, he/she must break down the bulk shipments into "user" quantities, generally 90 to 120 tablets (9 to 12 blister packets) so that he/she can begin to fulfill the orders received from the source of supply. Special Agent Lamp has informed your affiant that these "re-shippers" are paid approximately \$6.00 to \$10.00

per drug order they fill and subsequently mail out and/or are provided an unlimited supply of their drug of choice for filling and mailing the customer orders. Special Agent Lamp has informed your affiant that India is a source country for illicit pharmaceuticals being smuggled into the United States to the "re-shippers". The "re-shippers" fulfill orders customer orders by placing the desired amount of blister packets in small mailings which are delivered to customers via the United States Postal Service. Special Agent Lamp has informed your affiant that these "re-shippers" usually mail multiple packages at a time due to the volume of orders they are filling and the mailings will virtually touch every corner of the United States due to the large number of customers seeking drugs through illicit channels. These mailings are generally created using a pre-paid shipping account such as stamps.com, USPS Click-N-Ship or endicia.com due to the volume of outbound drug mailings these "re-shippers" are shipping. Special Agent Lamp has informed your affiant that these "re-shippers" oftentimes place bogus return address information on their outgoing mailings to avoid detection by law enforcement should their outgoing drug parcels be intercepted by U.S. Postal Inspectors while their drug parcels are in transit through the United States Postal Service. Special Agent Lamp has informed your affiant that these outbound mailings of blister packets contain no directions for use, no prescribing information, and are being shipped to customers who do not possession a valid prescription for the drugs they have ordered and are expecting to receive.

05. Special Agent Lamp has advised your affiant that the FDCA prohibits the introduction or delivery for introduction, into interstate commerce, of any "misbranded" drug. See 21 U.S.C. § 331(a). Special Agent Lamp has advised your affiant that a drug is misbranded if its labeling fails to bear adequate directions for use. See 21 U.S.C. § 352(f)(1). Unapproved drugs that are shipped to customers in the United States with no directions for use are misbranded in accordance with 21 U.S.C. § 352(f)(1). Additionally, a prescription drug is deemed to be misbranded while held for sale if it is dispensed without the valid written or oral prescription of a licensed medical practitioner. See 21 U.S.C. § 353(b)(1). As such, when a "re-shipper" mails prescription-only restricted drugs to a customer who does not possess a valid prescription, those drugs are misbranded in accordance with 21 U.S.C. § 353(b)(1).

06. This affidavit is made in support of an application for a Federal search warrant to search thirty-eight (38), United States Postal Service (USPS) Mail Parcels listed on Attachment A and

described more particularly as follows:

Subject Parcels 1-27:

Sender: Sam H
Sam H
8800 W Sam Houston Pkwy S Ste 232
Houston, TX 77099

Size/Dimensions: various sized yellow envelopes

Postmark City: Houston, TX 77099

Subject Parcel 29-32, 34-35:

Addressee: P.O. Box 670169
Houston, TX 77267

Size/Dimensions: Brown cardboard wrapping

Postmark City: India

Subject Parcels 36-37:

Sender: Sam H
Sam H
8800 W Sam Houston Pkwy S Ste 232
Houston, TX 77099

Size/Dimensions: white cardboard box

Postmark City: Houston, TX 77099

Subject Parcel 28, 33 and 38:

Addressee: 17006 Flowerfield Ln
Houston, TX 77060

Size/Dimensions: Brown cardboard wrapping

Postmark City: India

7. Prior investigations conducted by Postal Inspectors have identified Houston, Texas and surrounding areas as a destination area for drugs. Your affiant knows that India and surrounding areas which have been designated as a large source area for illegal, non FDA approved, and controlled substance pharmaceuticals shipped via international express mail in the United States from online pharmaceutical websites. Your affiant has probable cause to believe that the above described packages contain evidence of violations of 18 U.S.C. section 545, Smuggling Goods into the United States, and that the packages contain materials that are Misbranded in violation of 21 USC 352 because the labeling is false and misleading.

08. Special Lamp Agent has informed your affiant that he placed an order online on or about March 17, 2016, for 90 "Ambien" tablets, a Schedule IV, prescription-only restricted federally controlled substance. Special Agent Lamp was not asked to provide proof of a valid prescription prior to completing the purchase of "Ambien". Special Agent Lamp has informed your affiant that he specified "US to US" shipping upon placing this order with the source of supply. On or about March 21, 2016, the source of supply provided Special Agent Lamp with a USPS tracking number. On or about March 23, 2016, Special Agent Lamp determined that this tracking number was associated with a USPS parcel being sent from Houston, Texas. Upon determining this, Special Agent Lamp asked the source of supply if he had people working for him in the United States to which the source of supply acknowledged that he did.

09. On or about March 29, 2016, Special Agent Lamp opened this drug parcel and found it to contain nine blister packets (10 tablets per blister packet) of "Zoltrate-10" a foreign-sourced non-FDA approved version of "Ambien". This mailing contained no directions for use and no prescribing information. Your affiant has viewed pictures of the drug mailing Special Agent Lamp received. This mailing was sent to Special Agent Lamp with a postage label created by the same stamps.com account used for the postage labels contained on "Subject Parcels 1-27, 36-37." The return address used on Agent Lamp's parcel was "Sam H" "Sam H" "8800 W Sam

Houston pkwy S Ste 232" "Houston TX 77099". Agent Lamp's mailing was also identical to the "Subject Parcels 1-27," with respect to the type of mailing (USPS Priority Mail-2 Day™), size of envelope used and type of envelope used (manila bubble envelope).

10. On March 11, 2016, your affiant was contacted by Homeland Security Investigations (HSI) Special Agent De La Fuente regarding several parcels from India containing controlled substances that were seized at the U.S. Port of Entry by Customs and Border Protection (CBP) Agents. The majority of these parcels were addressed to P.O. Box 670169, Houston, Texas 77267 or 17006 Flowerfield Lane, Houston, Texas 77060. The controlled substance had been lab tested and counted by CBP Agents at the Port of Entry and found to contain tramadol pills (a Schedule IV Controlled Substance).

11. HSI, Special Agent De La Fuente was able to determine that Dhaval DHOLARIA resides at 17006 Flowerfield Lane, Houston, Texas 77060. Postal Inspectors obtained the P.O. Box application for P.O. Box 670169, Houston, Texas 77267 showing Dhaval DHOLARIA as the person renting the post office box.

12. On March 24, 2016, HSI Agents, Houston Police (HPD) Officers, and U.S. Postal Inspectors conducted surveillance of Dhaval DHOLARIA. At approximately 5:30pm, HSI agents followed an Asian male from 17006 Flowerfield Lane, Houston, Texas, 77060. The Asian male was in a white Toyota Highlander with Texas vanity license plate "DHAVAL" registered to Dhaval Jerambhai DHOLARIA of 1025 Dulles Ave, Apt 1314, Stafford, Texas 77477. At approximately 5:50pm, the white Toyota Highlander arrived at the Greens North Post Office where P.O. Box 670169 was located. The individual in the Toyota Highlander dropped off "Subject Parcels 1-27, 36-37" to be mailed from the post office. "Subject Parcels 1-27, 36-37" were examined by Postal Inspector and HPD officers inside the post office and a noise emitted from inside the parcel that was consistent with foil-based blister packets rubbing together.

13. On March 28, 2016, your affiant was contacted by a supervisor at the Greens North Post Office. The supervisor explained that several additional parcels from India arrived for P.O. Box 670169, Houston, Texas 77267 and 17006 Flowerfield Lane, Houston, Texas 77060. Your affiant picked up 9 total parcels inbound from India (Subject Parcels 28-35 and 38).


14. At approximately 10:00am on March 31, 2016, HSI Agents, HPD Officers, and US Postal Inspectors conducted a controlled delivery of inbound India parcels addressed to P.O. Box 670169, Houston, Texas 77267. Postal Inspectors instructed a supervisor at the Greens North Post Office to call the telephone number on the P.O. Box application (281-761-7813) and tell DHOLARIA that he had several parcels waiting for him. HSI agents then followed an Asian male from address 17006 Flowerfield Lane, Houston, Texas 77060 in the same white Toyota Highlander with Texas license plate "DHAVAL." At approximately 11:00am, the white Highlander arrived at the Greens North Post Office. DHOLARIA entered the post office, and went to the parcel pick up door in the post office lobby. There he received 4 parcels from India, "Subject Parcels 29-32." As DHOLARIA exited the post office, Postal Inspectors approached him. DHOLARIA was taken to the Greens Mall HPD office for questioning. When he was read his Miranda Rights, he immediately requested an attorney. DHOLARIA was given your affiant's contact information and instructed to have his attorney contact your affiant. As of the time of this affidavit, no one representing DHOLARIA has contacted your affiant.

15. Your affiant knows that Dhaval DHOLARIA also used the same mailing address, 1025 Dulles Ave, #1314, Stafford, Texas 77477, on his application for Post Office Box number 670169, Houston, Texas 77267 that he opened on February 16, 2016 at the Greens North Post Office Houston, Texas and his Stamps.com account that he opened on February 5, 2012. DHOLARIA also used the same telephone number on his P.O. Box Application and his Stamps.com account, 281-761-7813. Based on records from CBP, your affiant knows that between February 27, 2016 and April 5, 2016, DHOLARIA received approximately eighteen (18) bulk drug shipments from India at this post office box and his residence, 17006 Flowerfield Lane, Houston, Texas 77060. Your affiant knows that the "Subject Parcels 1-27, 36-37" were destined for numerous states across the United States, consistent with Special Agent Lamp's experience with "re-shippers" mailing large volumes of drug parcels per visit to the post office, to drug customers located nationwide. Your affiant has also determined that when the "Subject Parcels 1-27, 33-38" are shaken; the noise emitted from inside the parcel is consistent with foil-based blister packets rubbing together.

16. On May 2, 2016, your affiant contacted Officer Lockley of the Houston Police Department to request a K-9 alert on the subject parcels. Officer Lockley reported that narcotics detection canines will not alert to tramadol or other similar pharmaceuticals. Currently narcotics

canines are not trained to alert on pharmaceuticals. The subject parcels were not exposed to a National Narcotic Detector Dog Association (NNDDA) canine.

17. Based on the facts set forth above, there is probable cause to believe that the Subject Parcel contains one or more controlled substances, drug paraphernalia, proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, and material relating to the distribution of same. In the past, all of the above factors have been indicative of packages which contained illegal controlled substances or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances. The package is currently in the custody of your Affiant. Affiant, therefore, seeks the issuance of a search warrant for the seizure of this parcel, and the contents contained therein and any other evidence, fruits of crime, and instrumentalities, in violation of Title 21, United States Code, Sections 352 and 18 USC 545.



Ronald Corley
UNITED STATES POSTAL INSPECTOR

Subscribed and sworn to before me at Houston, Texas, on this 17 day of May 2016 and I find probable cause.



Frances H. Stacy
UNITED STATES MAGISTRATE JUDGE

Attachment A

Mail parcel numbered:

1. 9405511899563131556262	H 16-705M
2. 9405511899563725765872	H 16-706M
3. 9405511899563131553865	H 16-707M
4. 9405511899563131559560	H 16-708M
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6. 9405511899563131553216	H 16-710M
7. 9405511899563131557535	H 16-711M
8. 9405511899563131559591	H 16-712M
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15. 9405511899563725765896	H 16-719M
16. 9405511899563131553254	H 16-720M
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18. 9405511899563725764547	H 16-722M
19. 9405511899563725765278	H 16-723M
20. 9405511899563725765889	H 16-724M
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26. 9405511899563131559553	H 16-730M
27. 9405511899563131559577	H 16-731M
28. EU219251417IN	H 16-732M
29. EU219250796IN	H 16-733M
30. EU219251301IN	H 16-734M
31. EU219250782IN	H 16-735M
32. EU219252545IN	H 16-736M
33. EM911642155IN	H 16-737M
34. EM911631965IN	H 16-738M
35. EM911642138IN	H 16-739M
36. 9405511899563725400568	H 16-740M
37. 9405511899563725400483	H 16-741M
38. EM911631988IN	H 16-742M